

A DAY WITH WORKMEN'S COMPENSATION COMMISSION

How the Commissioners Are Putting the New Law in Operation Every Morning at 1 Madison Avenue

THE Workmen's Compensation Commission is in session at its headquarters, 1 Madison avenue. It is a regular morning meeting, such as is held every day of the week except Sunday, and open to the public. Chairman Robert E. Dowling presides at one end of the long table and at his right sits John Mitchell, to Mr. Mitchell's right is Howard T. Mosher of up State. On the left sit Dr. Thomas Darlington, ex-Health Commissioner, and ex-State Senator J. Mayhew Wainwright.

At the foot of the table is Secretary Frank A. Spencer behind a high pile of reports and papers. There is a stenographer up near the chairman similarly furnished. Sitting back in a chair away from the table is F. Spencer Baldwin, manager of the State insurance fund, carrying a sheaf of papers, and near him is Daniel A. Golden, chief of the bureau of claims. Interested citizens occupy chairs along the walls or wait in the hallway outside for a chance to get in.

When the State of New York on July 1 began the operation of the workmen's compensation act it affected about 100,000 employers of labor in the State and directly or indirectly 4,000,000 persons—a large proportion of the total population. There are really 2,000,000 employees, it is estimated, but the ramification brings in the others. Naturally it imposed an immense burden on the commission, as any one who attends a session for an hour can judge.

They have a new law to construe, new precedents to establish, new rules to promulgate, and everything is coming at them in avalanche style.

"Letter from the Insurance Company asking the commission what interest it will pay on the deposit required of it," reads Mr. Spencer.

Mr. Dowling receives the letter and there is a minute's talk. The commission directs that answer be made that it has not passed any interest to be paid. It is explained that interest, if any, will be credited to deposits.

"Are butcher shops and drug stores employees under the act?" is another query. The law is read. Group 30 refers to the meat men and it specifies "packing houses, abattoirs, manufacture or preparation of meats or meat products or glue." Group 28 includes manufacture of drugs, chemicals, medicines, dyes, extracts, pharmaceutical or toilet preparations, soaps, candles, perfumes, etc.

The questions are asked by the commissioners among themselves. Has the ordinary butcher shop any machinery? Does the ordinary drug store make pharmaceutical preparations? The decision is that the commission will await a case before deciding.

The attorney for the hotel men writes that he believes the hotels are exempt because the bulk of the employees are domestic servants. The matter is left unsettled. There is a pronounced opinion that hotel employees working about the engines, boilers, dynamos and such things are under the act. The decision in that case is held subject to a case which will come up to-morrow. A woman working in a restaurant was scolded. The question is, can she recover?

There is a communication from Gov. Glynn. He has been visited by a delegation of union men who declare that some employers are discriminating against the married men by getting rid of them. The Governor asks that an investigation be made. The commission will investigate this. It can do it if it discovers this to be true. Chairman Dowling remarks that in other States and countries competition



Copyright, 1914, by International News Service.

Workmen's Compensation Commission in session.

quickly settles such a matter. Employers themselves report that married workmen are as a rule more efficient, more careful and more responsible than the unmarried. The additional compensation which must be paid the dependents of the married man is more than set off by the better work done by him.

There is a report: An up-State laundry is charging all incoming packages of laundry, whether it is one collar or a family wash, one cent, to pay the insurance premium. There is a laugh at this and some one remarks that the laundry in question will soon lose its trade to a rival that does not make the charge.

There is a complaint that some manufacturers are deducting a fixed sum weekly from each employee to pay the premium. That will be investigated as it is reported that the deduction amounts to much more than the premium and the manufacturers are making a little money. This is flatly against the law and there may be a criminal prosecution.

There is a reference to a unique case of the other day. The superintendent of the Catskill Mountain Railway and other little lines appeared before the commission and declared that his lines could not pay the insurance premium. They were just about paying expenses and the \$7,000 demanded turned the balance against them.

Mr. Dowling asked the superintendent what would be done if, after a fatal accident on his roads, judgments should be obtained by representatives of those killed. The superintendent replied that he could see only a receivership. The decision was put off until Monday and in the meantime the Public Service Commission has been notified.

The road will pay in one way or the other, is the intimation. There are provisions in the law for the enforcement of the decisions.

A committee of physicians from the State Medical Association enters then, headed by Dr. Alexander Lambert, who attends ex-President Roosevelt. This committee has drawn up a schedule of fees for medical service, which it submits to the commission simply for its guidance. The committee had already consulted with the insurance companies, which accepted the charges as reasonable. The commission thanked the doctors.

Cases come up then one after the other. The Rhinehart case, which depends on whether a painter was a contractor or a journeyman hired by the day, was set for Wednesday. There is the case of the Italian on the East Side, unmarried, whose father and mother claim compensation on the ground that they are dependent. A deputy commissioner is investigating and at the proper time the parents will have an opportunity to show how much they are dependent.

A member of a big firm comes in with interrogation points sticking out all over him. He wants to know whether, if he takes on a man suffering with hernia, for instance, and that becomes strangled while he is at work, his firm is liable for the injury. He says that the firm has several locomotive engineers who are thus afflicted and they are willing to sign all kinds of releases. The commission tells him that there is no doubt that the evidence of a physical examination on entering employment would be received, but it will not make a ruling until a case is before it.

There is also the question of a one-eyed man who enters upon employment. If he loses his only eye is the company liable for total disability? The same question is asked in the case of a one-armed man, who loses that arm. The inquiry is made to know right off, but the commission in no case will decide abstract questions.

"We will decide every case as it comes before us," is the answer. "We will not make any general rulings."

Daniel A. Golden, chief of the bureau of claims, which is the firing line of the commission, arises for a brief report. Up to Thursday night the figures showed that 12,600 men and women workers in the State had been hurt since July 1. There were forty-seven deaths. There are 15,000 injuries by this time and perhaps fifty deaths.

Of the 12,600 notices of injury which the employers had made and the 12,600 reports which the employers had made there were then on the record 1,000 claims for compensation, on the ground that the injury would last more than fourteen days, which is the maximum of exemption for the employer. There would be 2,500 more claims on the 12,600. The number of those injured who are incapacitated two weeks or longer is estimated at about one-third.

There were 45 death claims outstanding and unsettled and there would be 300 cases on the calendar for Monday.

There are other things arising just then and the commission goes into executive session, but afterward when the members can talk informally a clear insight is gained as to just what kind of work the commission has to do.

The Workmen's Compensation Commission is a judicial body as well as an administrative body. It not only passes upon the claims, according to the law, but it administers the State insurance fund as well as the fund due to all those who have been injured. All claims must be paid through it no matter how the employer may be insured and it cannot permit any adjustment of a claim between employer and employee. Its findings of fact are to be considered final, but its law can be reviewed by the Appellate Division of the Third Department.

Its chairman receives a salary of \$10,000 a year and the Commissioners each \$7,500. There are ten deputy commissioners and their offices are in different districts of the State. There are about 100 employees at headquarters.

Compensation for injury or death under the act is extended only to those who are employed in forty-two groups of labor, characterized as "hazardous" by the act itself. There are something more than 1,300 separate employments comprehended in the groups.

The commission is vested with the power and duty to determine, for the purpose of carrying the provisions of the act into effect, and for the purpose of the State insurance, which employments are included under each generic name or group. There have been no decisions yet, but it is known that the commission is proceeding along certain defined lines in the matter of State insurance.

For instance, it knows that certain wily insurance men are soliciting policies which cover compensation from householders, restaurant men, hotel men for all classes, little storekeepers, office men and the like. No one can group these men excepted as "hazardous" by the act itself. There is something more than 1,300 separate employments comprehended in the groups.

The law specifically exempts all domestic servants, which is taken to mean all persons employed about a dwelling house in a domestic capacity.

The opinion is fairly well established that all persons employed in an office building except those working about engines, boilers and dynamos do not come under the act. This applies to employees of tenants as well as employees of owners. It does not exempt clerks and bookkeepers who are employed at a plant the work of which comes under the act. A company may have its plant in the suburbs and its office on Broadway. All employees at the plant in no matter what capacity are under the law; all in the Broadway office are exempt.

All persons employed in a hotel, club,

restaurant or the like except those who actually work about the engines, boilers and dynamos are without the act.

A very safe rule, it was said yesterday, is to apply to the State Insurance Fund for information whether it is writing policies in the particular line in which the inquirer is interested.

The law itself establishes the schedule of payments in case of injury. In case of total disability adjudged to be permanent 66 2-3 of the average weekly wages shall be paid to the employee during the continuance of that disability. Loss of both hands or both arms, both feet or legs, both eyes, or any two thereof, shall in the absence of proof to the contrary constitute total permanent disability. The commission is empowered to pass upon all other cases.

In case of temporary total disability 66 2-3 of the average weekly wage shall be paid to the employee, but not in excess of \$3,500 except as otherwise provided. Permanent partial disability is paid for according to a fixed schedule also.

Sixty-six and two-thirds per cent. of the average weekly wage is paid for the loss of a thumb over a period of sixty weeks. For the index finger, 46 weeks; for the second finger, 30 weeks; for the third finger, 25 weeks; for the little finger, 15 weeks. The loss of one joint of the thumb counts as the loss of one-half that member, and the payment is one-half the amount above specified. The same applies to all other fingers. Two joints are considered to be the loss of the entire finger.

The great toe is paid for 38 weeks, the other toes, 16 weeks. The loss of a joint is the loss of one-half a toe and the compensation is one-half.

The loss of a hand means compensation for 244 weeks; arm, 312 weeks; foot, 295 weeks; a leg, 288 weeks; eye, 128 weeks. The loss of the use of a hand, arm, foot, leg or eye shall be considered as the loss of the member.

In other cases of disability the compensation is 66 2-3 per cent. of the difference between the average weekly wage and the earning capacity thereafter in the same employment or any other available during the incapacity. The board makes the decision in these cases and may amend its award at any time.

In cases of death \$100 a month is the limit upon which compensation can be based. The act first allows funeral expenses not exceeding \$100. Then if there is a surviving wife (or dependent husband) and no children of the deceased under the age of 18 years, to such survivor is allowed 30 per cent. of the average wages of the deceased during widowhood or dependent widowhood, with two years compensation in one sum upon remarriage; and if there be a surviving child or children under the age of 18 the additional amount of 10 per cent. of such wages is allowed for each child until the age of 18. In case of the subsequent death of the surviving wife or dependent husband, any surviving child under the age of 18 shall have his compensation increased to 15 per cent. of such wages and the same shall be payable until he or she reaches the age of 18.

The law specifies, however, that the total of these payments shall not exceed 66 2-3 per cent. of such wages. If the amount paid to the surviving wife or husband and the children under the age of 18 years does not reach 66 2-3 per cent. of the average wage and there are dependent parents, grandparents, brothers, grandchildren and sisters under the age of 18 the law permits 15 per cent. of the wages to be paid to such parents or grandparents or others, but the total payment cannot exceed the 66 2-3 per cent. prescribed by law.

The decisions of the commission may be appealed from within thirty days after they are made, but the law declares that the commission or the court before which the appeal is heard may assess the whole cost on the appellant. The commission is not bound to pay any counsel fees out of its funds for any appellant, and the awards it makes are not assignable nor attachable by any court writ.

The commission under that section spoiled the scheme of an enterprising lawyer who turned up with an assignment of 50 per cent. of the amount a claimant might collect. The lawyer scented a new and profitable specialty.

When Commissioner John Mitchell finished talking with him he appeared willing to take anything from \$125 up to a maximum of \$3, but no more. The commission does not receive such agreements.

The law does not want the claimants to have any trouble about getting their money. An employer therefore must insure in the State fund or in some stock or mutual company authorized to transact business in the State. The very large industries may carry their own insurance by depositing securities with the commission, sufficient to secure their liability.

The employer does not have to take out any kind of insurance. He can fight it off if he is determined, but he is confronted with two rather severe penalties. One is a suit by the commission for the premium which he should have paid and the other is a lawsuit by any employee who may be injured. He is not compelled to plead or prove freedom from contributory negligence, nor may the defendant plead that the injury was caused by the negligence of a fellow employee or that the employee assumed the risk of his employment or that he was guilty of contributory negligence. In other words, the employer won't have a very firm ground to stand upon.

As a matter of fact the law lets it be known with much distinctness that the employee is to be compensated except:

"Where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another or where the injury results solely from the intoxication of the injured employee while on duty."

The procedure in case of injury by an employee engaged in an occupation which comes under the act may appear formidable when it is said that there may be seventy-three different blanks filled out in one case. It might sound like red tape, but as a matter of fact not 1 per cent. of the cases will ever go that far. Two-thirds of the injuries in the State will never require more than two papers, one from the employer and one from the employee.

The workman's first paper consists of a notice of his injury to the commission and similar notice to his employer requesting that medical attendance be furnished him. The employer's first blank is his report to the commission of the injury, together with his version of the injury, the average wages, whether he supplied medical attendance, whether he is insured and by whom. Medical attendance alone will be considered in the bulk of the cases and that is compulsory under the law.

If the man is incapacitated for longer than fourteen days he files his claim for compensation, and this time he goes into details, telling whether he is totally or partially disabled, how he is hurt, how long he estimates he will be unable to work and all other intimate details, and he also signs the following, which is part of the paper:

I hereby agree to accept the compensation awarded by the State Workmen's Compensation Commission in lieu of any other right or cause of action which I may have against any person, firm or corporation in consequence of such accident; and, in consideration of such compensation, if any, when awarded, I hereby assign and set over unto the State Workmen's Compensation Commission, for the benefit of the State Insurance Fund, if compensation be payable therefrom and otherwise to the person or association or corporation liable for the payment of such compensation, all my right, title, and interest, if any, in such cause of action for such injury, loss, or damage against any person, firm, or corporation.

Members of the commission and Mr. Golden said yesterday that the readiness and the friendliness with which employers and employees have got together in cases so far has been most pleasant. Obviously the only point of divergence, except in very rare cases, can be on the question of daily average wage. In the two death claims paid under the first award the employer made no attempt to evade responsibility nor did the insurers.

"It is only in cases where there is doubt as to the jurisdiction of the commission or uncertainty as to dependents or some other question of law that we anticipate any prolonged negotiations," said Mr. Golden yesterday. "Just as soon as the employers and employees understand the matter they get together, and as a matter of fact this act has put them in closer relation than they have

Results of First Three Weeks--Calls It Benefit to Employers and Employees--Novel Questions Arise

ever been before. They come here and talk over matters and end everything in a few minutes. We figure on that or we would never be able to get through with the work."

The State Insurance Fund now has about 12,000 policies out of the total of 100,000 written throughout the State. This is slightly more than the commission itself thought it would be able to obtain, but it is nowhere near the amount it expects to write after the expiration of the first six months. The insurance rate charged by the fund, while it is 8 per cent. less than the rate charged by private companies, will be reduced according to the confident expectation of its manager and the commission. New estimates prepared indicate a likelihood that there will be a further reduction in rate after the first of this month or of September and the estimate is that the rate will be cut to 15 per cent. below the rate of private companies. The commission authorities will tell you frankly that they hope in time to cut to 50 per cent. below if their experience bears out their estimates.

CITY HALL PARK DINERS

If Annette Kellermann should visit City Hall Park any hot afternoon or evening she would behold some fancy diving in the little granite fountain in the southeast corner of the park, which no doubt would interest her.

When the familiar green wooden benches surrounding the granite bowl are filled with sitters the amphibians arrive from the East Side section of the city and immediately show their propensities by splashing the water with their hands and throwing sticks and folded newspapers into the water. Often they cause the water to splash almost across the expanse that separates the fountain from the line of benches. At such times the occupants of the benches who barely escaped a wetting snap up and express their opinion of the sport.

However, such sport is mild compared to that which takes place when the lunchmen crowd arrive from the adjacent office buildings. In hot weather the main idea is to eat as little as possible and spend the remainder of the hour in the open. And what better place to spend it than in City Hall Park near the fountain where the water splashes down from above? Consequently many workers stroll across Broadway and Park Row into the park. One of the first objects that attract their attention is the granite fountain around which idling humanity is already clustered.

The constant increase in the size of the crowd awakens the pecuniary instinct in the breasts of the young amphibians. They are quick to realize the opportunity to earn a few coppers and nickels from the prosperous ones in the crowd who are only too willing to pay for some form of amusement to pass the time away. Furthermore, no person could imagine there was such a thing as business depression if he beheld the large number of persons who seem contented to toss all their loose change into the granite bowl just for the satisfaction of watching the urchins dive for it.

That the urchins are students of psychology is demonstrated every day. They gather in a little group, scheming among themselves and devising some method to turn on the stream of pennies and nickels. If the spectators fail to act of their own accord by throwing in coins and tempting the boys to dive into the water the urchins jump into the water of their own volition and urge the crowd to throw coins to them so as to make it worth while for them to remain in.

As an example of the urchins' astuteness it is not necessary to state that when the crowd shows no inclination to flip to the amphibians, a boy on the outside of the bowl, realizing that the crowd needs somebody to start them, throws a penny to his companions. To make the scene realistic, the urchins in the water wrestle and tussle for the possession of the coin with as much strenuousness and ferocity as though some stranger was the giver. Only the sudden appearance of a policeman terminates this glad scene.

CHAIRMAN ROBERT E. DOWLING

ON THE COMPENSATION LAW.

The economic benefit to a State of a workmen's compensation law has been established beyond controversy in this country and abroad. I know of no community where it has been tried where either employer or employee or the community at large would have it repealed.

New York's compensation act is the best result of painstaking conscientious legislation. It contains no jokers, no riders and in my opinion is in every way adequate for the purposes for which it was intended. In all likelihood there will be amendments to the law from time to time, but these I think will be for the purpose of clarifying rather than changing.

The commission has been pleased at the expressions of approval of the law which have come from employers of labor, as well as employees. It realizes that what the employer desires now is definiteness as to the terms and the operation of the act and it is devoting its time now to the study of cases which may establish a precedent. It will proceed with care and deliberation.

The whole purpose of the commission is to arrive at the truth and to apply the law. The act itself in Section 68 prescribes that it shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as provided in the act itself. No claimant therefore can lose his case on a technicality nor any defendant be compelled to pay for a similar reason.

The commission knows of the complaints that are arising from the operation of the law. The Governor has written to it of the protests of a delegation that married men are being discriminated against under the law; that some workmen are being assessed because of the law; that there is an additional laundry charge up State. All those things have been threatened or tried in other States or countries when their laws on this subject were new. They never went very far.

In the matter of married men the statistics of Germany available show that the married workman is so much more dependable, so much more efficient and responsible in the long run than his unmarried brother, that he is preferred, even with what some might call a handicap. It is safe to say that in all such cases competition will control action. Good workmen will get work and they will be hired no matter if they are married. The laundryman's extra charge will stand until his rival's prices are known.

The purpose of the commission is to decide all claims speedily and fairly. The work already accomplished shows that there will be a vast saving in time and in money to the employer as well as the employee. The employee now receives an adequate amount without delay and without expense.

The employer now disposes quickly of what were once vexatious claims. It may be argued that he pays more. It may be figured that a compensation claim running over a long period of years amounts to, say, \$12,000, while the most the plaintiff could have obtained in court was \$7,000 or \$8,000. Let it be remembered that the lump sum paid finally by the defendant should bear interest for all the time the compensation payments are made and then add counsel fees, costs, and the benefit of the present method is apparent.

Mention has been made of the economy in time and money. I would like to impress upon employers and employees another saving. It is that no injured person need hire a lawyer to assist him at any stage of the proceedings before us. The necessary blanks are obtainable at our office or at the office of any Deputy Commissioner throughout the State. If a person cannot draw up a notice or a claim, our employees will do it for him. His rights will be safeguarded before the commission and even his physician will be paid by the award.

BROOKLYN ADVERTISEMENTS.

PIANOS

Come to the Big July Sale See Our Special New PLAYER \$375

PIANO \$10 MONTHLY UNTIL PAID BENCH COVER \$2.00 WITH THIS BEAUTIFUL PLAYER

NEW \$149 \$150 Monthly NEW \$175 \$150 Monthly

NEW \$190 \$225 Monthly

FREE STOVE, MUSIC COVER, CARRIAGE THIS WEEK with each New Upright Piano.

Used Uprights--Bargains On Sale Monday, July 27th

If you buy a used Piano from us you can return it any time within one year and we will allow you every dollar paid as part of the purchase price on any new Upright or Player Piano in our stock. NO INTEREST CHARGES.

\$70 Billings & Co. \$3 110 Smith & Barnes 4 135 E. Gabler 4 140 Shoninger 5 150 Weser Bros. 5 160 Walters 5 175 Huntington 5 185 Harvard Co. 5 225 Estey 6

8th Ave. 1st Floor PIANO GOETZ & CO. 41 COURT COR. LIVINGSTON ST. BROOKLYN. One block from Bowling Hall Sub. Sta. Net. Over 15 Years OPEN EVENINGS Phone 663 Main

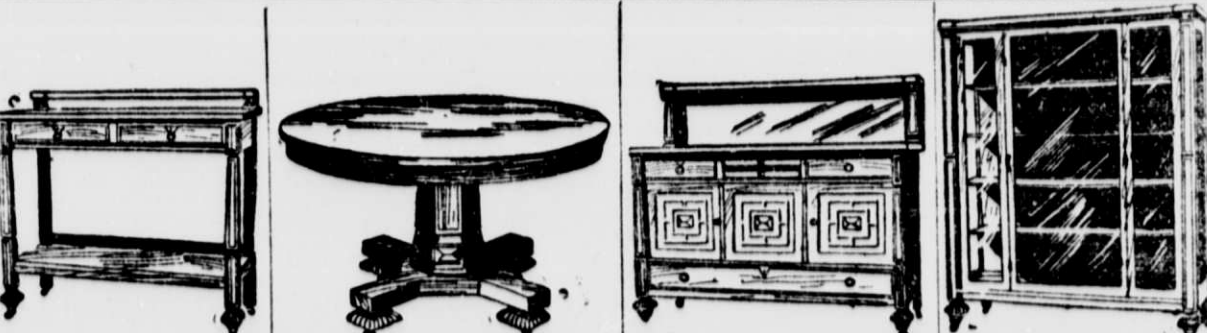
BROOKLYN ADVERTISEMENTS.

BROOKLYN ADVERTISEMENTS.

BROOKLYN ADVERTISEMENTS.

BROOKLYN FURNITURE CO. Easy Payments

A Dining Room Set of Exceptional Quality and Style at a Very Low Price



\$21.00 24 inches wide \$39.00 34 in. long \$63.00 62 inches wide \$52.00 50 inches wide

All Quartered Oak, Brown Fumed Finish. These prices are 33 1/3 below regular

Inconvenient to Pay Cash

Take advantage of our little-by-little payments, no embarrassing conditions, no legal red tape, but a simple business payment plan that has enabled thousands to furnish their homes.

Fulton Street and De Kalb Avenue